



NACC
National Airlines
Council of Canada



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December 11, 2020

Mr. Scott Streiner

Chair and CEO

Canadian Transportation Agency

15 Eddy Street, 17th Floor

Gatineau, Quebec J8X 4B3

Via email: Scott.Streiner@otc-cta.gc.ca

Dear Mr. Streiner:

Re: Request for extension to the coming-into-force of certain provisions of ATPDRs due to the ongoing impacts of the COVID-19 pandemic

I would like to thank the Agency for its recent decision in providing targeted flexibility to the implementation of certain sections of the *Accessible Transportation for Persons with Disabilities Regulations* (“ATPDRs”) in light of the COVID-19 pandemic. Our member airlines are grateful for the Agency’s recognition of the sudden and severe financial and operational repercussions on air carriers. Regretfully, since this request was originally presented to the Canadian Transportation Agency on April 3, 2020 the situation has shifted from being “sudden and severe” to one of “ongoing and critical”. The COVID-19 pandemic has led to devastating operational and financial impacts far beyond what our members anticipated in the spring. The catastrophic impact of COVID-19 on the airline industry has resulted in unprecedented job reductions impacting between 50% and 70% of our members’ respective workforces, in many cases leaving significant gaps in expertise, and a precipitous drop in revenue as capacity reduced to approximately 15% of standard levels.

I am writing to you requesting for the Agency to consider extending the coming into force of some (but not all) of the previously targeted ATPDR provisions while the airline industry continues to grapple with the economic chaos of the pandemic, and while our members necessarily shift their focus to ensuring public and employee safety and to keeping their operations viable during these unprecedented times. Specifically, our request is for an extension of 6 months (from January 1, 2021 to July 1, 2021) for *Sections 4, 9, 10, 15-23, 58 and 59* of the ATPDRs.

Ongoing industry regulation and policy implementation

We want to reassure the Agency that NACC member airlines have not put on the brakes on their respective ATPDR projects. Our members will continue to work diligently on making travel accessible by air during COVID-19 and beyond. Our members will also commit towards the full implementation of the ATPDRs as soon as it is fiscally and operationally viable to do so.

Our members have been working non-stop since the onset of this crisis. A significant focus has been on implementing many domestic and internationally recommended and regulated bio-safety measures including those outlined in the International Civil Aviation Organization’s document entitled “*Takeoff: Guidance for Air Travel through the COVID-19 Public Health Crisis*”, and in Transport Canada’s report



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entitled “Canada’s Flight Plan for Navigating COVID-19”. Our sector is also working with various government departments and industry stakeholders to implement pilot testing regimes and to support the distribution of the vaccine through cargo air service. There have been significant new regulated bio-safety measures imposed in Canada and many international jurisdictions, many which have been rapidly changing as the pandemic has evolved.

These bio-safety measures are multi-million-dollar investments (e.g., procuring and supplying PPE for front-line employees, installing plastic barriers in airports across the country, increasing the frequency of cleaning and disinfecting of aircraft, enhancing existing aircraft air filtration systems, etc.) at a time when revenues are at staggering lows. We are also faced with the need to suddenly re-allocate resources and staff to implement ad hoc government regulations in response to the pandemic, including the requirement on airlines to implement passenger health checks, to assist with contact tracing and to promote and notify passengers of the mandatory digital submission of their data via the ArriveCAN application or website, to monitor and report compliance of passengers using face coverings, among many others. Each one of these new compliance requirements necessarily entails engaging in industry consultations, updating airport signage and passenger announcements, and pushing out never-ending safety bulletin updates and ad hoc training to front-line staff. This is where the focus of our industry must remain for the foreseeable future; rolling out consistent measures to ensure the health and safety of airline and airport employees and the travelling public.

This pandemic has affected the airline industry much longer and with more severity than the world anticipated. The impacts are so extreme that we are running out of runway. The International Air Transport Association (IATA) in its October 27, 2020 press release presented new analysis showing that the airline industry cannot slash costs sufficiently to neutralize severe cash burn to avoid bankruptcies and preserve jobs in 2021.¹ Canada has yet to provide any sectoral-specific aid to sustain airlines during a time where revenues are at a staggering low, all the while borders continue to be locked down and constraining quarantine measures remain in place. By all accounts, and with reference to the ICAO restart and recovery guidelines, Canada remains at Stage 0. We remain unable to predict when, how, or if we will emerge from this crisis.

Request for relief on implementation process

Our members recognize that accessible transportation is a fundamental human right, and they value having a single comprehensive set of transportation regulations designed to make travel more accessible and establish a consistent framework. However, for the reasons detailed above, the ATPDRs must be phased-in as our industry wrestles with the new regulatory demands relating to health and safety and desperately looks for ways to continue cutting costs and raise additional capital so that they may emerge from this crisis. Federal Ministers including the Prime Minister have publicly recognized that the aviation industry has been particularly hard hit by the pandemic. We request that this be factored into your decision-making.

¹ <https://www.iata.org/en/pressroom/pr/2020-10-27-02/>



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We regret that we may not be able to fully implement certain sections of the regulations as the sector fights for its very survival. Should the Agency not provide compliance flexibility, NACC respectfully requests for the Agency to take these circumstances into account when considering enforcement action for any incidents of non-compliance. We hope that the Agency will instead work with the airlines to implement corrective action plans which are aligned with the philosophy of safety management systems and performance-based regulations and oversight. This relief would help alleviate further inadvertent challenges for aviation, when clearly, we are facing enough challenges as it is all the while working towards meeting the intended outcomes of the regulations given the current context of air travel.

I would be pleased to discuss further and will follow-up with your offices shortly to request for a meeting.

Sincerely,

Mike McNaney
President and CEO
National Airlines Council of Canada

CC: Hon. Marc Garneau, PC, MP, Minister of Transport